

# PLANNING STATEMENT

Former Tesco Store, The Brook, Chatham, Kent, ME4 4NZ

**Appeal Ref:**

**LPA Ref:**

**Firstplan Ref:** 15327/MM

**Date:** March 2017

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## Documents

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Document 1: Marketing Brochure (Thompson Heaney)

# Section 1 Introduction

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- 1.1 This report is prepared by Firstplan Ltd on behalf of Go Outdoors Ltd in support of a planning application in respect of the remaining vacant space, which comprises part of the former Tesco Store at The Brook, Chatham. The application proposes the change of use to a Leisure use within Class D2.
- 1.2 Since Go Outdoors acquired their interest in the property in 2015, the recent vacant space has been actively marketed to a variety of retail and leisure operators by Thompson Heaney, a well-established retail and commercial agency. A copy of the marketing brochure is attached at Document 1. There has been no interest from retail occupiers, but there is now firm interest from a well know gym operator.

## DOCUMENT 1

- 1.3 The proposed change of use of the premises will therefore facilitate a gym operator to occupy the vacant section of the premises. Go Outdoors will therefore continue to trade from their unit as per the existing situation.
- 1.4 The application site therefore solely comprises the northern section of the building situated to the north of the High Street in Chatham as identified by the red line on the Site Location Plan submitted alongside this planning statement.
- 1.5 The floorplate of the unit is 3,532sqm in size (including mezzanine floor) and is sufficient to provide a comprehensive range of fitness equipment that would suit a range of gym operators. Indeed, the application site is considered significantly more suited to a leisure use as opposed to a retail use given the lack of commercial frontage onto the Brook.
- 1.6 This statement assesses the acceptability of the proposals and takes the following format:
- Section 2 sets out the relevant background information, comprising a site description and the relevant planning history;
  - Section 3 details the application proposals;
  - Section 4 sets out the relevant planning policies and guidance;
  - Section 5 considers the acceptability of the proposal in the light of the relevant planning context outlined in section 4; and
  - Section 6 draws conclusions.

## Section 2      Background Information

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### **a)      Site and Surrounding Area**

- 2.1      The application site comprises the rear (north east) section of the former Tesco store located at The Brook, Chatham. It is located within Chatham Town Centre and designated as a Core Retail Area.
- 2.2      Tesco traded from the site for over 30 years before the store closed in April 2015. Since this time Go Outdoors occupied the front section of the unit and commenced trading in 2016.
- 2.3      The remainder of the former Tesco comprises the application site which is 2,532sqm in size. The unit is open plan and rectangular in shape. The surrounding land use comprises the Go Outdoors store to the south, a further large retail warehouse occupied by HomePlus Furniture to the West and a large multi-storey car park to the North.
- 2.4      The site is accessed from a small pedestrian walkway to the west of the unit leading from The Brook. This access is shared with Go Outdoors and also provides for access to the multi-storey car park to the north of the unit.

### **b)      Relevant Planning History**

#### **i)      The Site**

- 2.5      Planning permission was original granted for the construction of the Tesco Store in July 1980 pursuant to planning application ref: 78/589. This application granted outline planning permission for 'Outline permission for the erection of market hall, retail store and multi-storey car park'. Reserved matters were later approved pursuant to application ref: 78/589/A.
- 2.6      More recently, Go Outdoors submitted a number of applications to facilitate their occupation of part of the former Tesco Store. Applications were submitted in respect of the unit's subdivision with external alterations and signage (refs: MC/15/4249 and MC/16/0523).

#### **ii)      Relevant Sites in Chatham Where a Change from A1 to D2 Has Been Accepted**

2.7 Planning permission was granted at 413 – 415 High Street, Chatham for: ‘Retrospective change of use from A1 to D2 indoor sports’ (ref: MC/15/0182) on 1st April 2016 to enable use of the premises as a gym. The hours of operation were restricted to 08.00am – 22.00pm Monday to Saturday and 09.00am – 13.00pm on Sundays and Bank Holiday.

2.8 In this instance it was stated within the officers report that:

**“it is considered that the proposed D2 use has clearly helped to improve the vitality and viability of this part of the High Street by introducing an increase footfall, which has obviously had a beneficial impact in terms of stemming the decline (in view of the high proportion of empty units now being occupied). It is clear that the gym use in this location has had little negative impact upon surrounding commercial businesses and bearing in mind the improvement to the vitality and viability of this part of Chatham High Street no planning objection is raised in this regard.**

**It is considered that the proposed Gym is an appropriate addition to this part of Chatham High Street and this being the case the principle of the development is considered to be acceptable in terms of the above mentioned Development Plan policies.”**

2.9 Similarly at 100 Solomons Road, Chatham Planning permission was granted for ‘Change of use from retail (Class A1) to gym (Class D2)’ (ref: MC/14/3148) on 2<sup>nd</sup> January 2015. The permitted hours of operation are 06.30am – 23.00pm Monday to Friday and 07.00am to 17.00pm on Saturdays, Sundays and Public Holidays.

2.10 This application sought use of a similar warehouse style building that had been vacant for some time due to its subservient location within the high street which is a very similar scenario to the application proposal. Officers were supportive of the proposal as stated within the officer’s report:

**“The proposal would bring into use a long-term vacant building. The presence of a gym at this location would increase footfall to the Chatham core area generally, particularly in the evening times. Therefore aiding the establishment of a nighttime economy in the core area. Solomons Road is predominantly characterised by back end operations subservient to the retail function of the High Street. The property in question is not a retail shop front unit in the conventional sense but rather a**

warehouse of unmerited design with no current use. It is considered that the proposed change of use, whilst not resulting in detrimental impacts on the shopping function of the street, provides a gym and leisure facility that contributes to the vitality and viability of the core area. The proposals are therefore considered on principle acceptable to Policy L2 of the Local Plan.”

- 2.11 The above applications highlight previous examples whereby the loss of vacant retail space was considered acceptable in favour of D2 use as a gym. The applications demonstrate that such leisure uses are considered complementary to the town centre and contribute to the vitality and viability of the core location.

## Section 3      Application Proposal

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- 3.1      This planning application proposes the change of use of the existing vacant retail unit forming part of the former Tesco store at The Brook in Chatham. The new proposed use is a leisure use with Class D2 and is intended to facilitate occupation of the unit by a gym operator. No physical works to the unit are otherwise proposed as part of this application.
- 3.2      The proposals therefore seek to change the use of the unit to a gymnasium in order to bring the unit into an active use. This will in turn benefit the town centre bringing linked trips and a vibrant active use to this existing commercial unit. The proposed use will additionally support the provision of several new full time and part time jobs.
- 3.3      The application site is a relatively large warehouse style unit of 3,532sqm in internal floor space and will suit numerous gym operators with ample space to provide a comprehensive range of fitness equipment, classes and associated activities.
- 3.4      The proposed hours of use for the gym business are derived from the relatively insensitive location in terms of surrounding uses and suited to the general business model allowing for customers to visit outside of working hours. The proposed hours are therefore 06.00am to 23.00pm Monday to Sunday.
- 3.5      In terms of access, customers and staff will be able to enter the site from the existing doors located on the west facing elevation of the unit within the short walkway between the multi storey car park and The Brook. There is additionally ample parking available within the neighbouring car park in addition to more sustainable options including by bus using the nearby bus stop on The High Street, by train from Chatham Station and via bike or walking being very accessible from the surrounding area.
- 3.6      With regard to servicing, the nature of the use and business model will mean regular servicing vehicles will not be required as a result.
- 3.7      The following section sets out the relevant planning policies and guidance on the basis of the application proposals described above.



## Section 4 Relevant Policy and Guidance

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- 4.1 The application site occupies a town centre location within the retail core of Chatham and accordingly should be considered within the following policy context.

**a) National Planning Policy Framework**

- 4.2 The National Planning Policy Framework (NPPF) is also a material consideration. The guidance sets out the Government's economic, environmental and social planning policies. The document specifically states that at the heart of the planning system, there is a "presumption in favour of sustainable development", which should be seen as a "golden thread" running through both plan-making and decision taking. It goes on to state that decision-takers should approve development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

**"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**

**Specific policies in this Framework indicate development should be restricted."**

- 4.3 The framework also highlights (at paragraph 187) that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It specifically states that:

**"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."**

**I. Economic Growth**

- 4.4 The NPPF (at paragraph 19) emphasises the Government's commitment to securing economic growth and ensuring that the planning system does everything it can to support sustainable economic growth.

It highlights that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth throughout the planning system

## II. Retail and Town Centres

- 4.5 The NPPF confirms the previous PPS4 principle that town centres come first. It reiterates that local authorities should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period, which should include recognising town centres as the heart of their communities and pursue policies to support their viability and vitality. It should promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres (paragraph 23).

### **b) Local Planning Policy**

- 4.6 The statutory Development Plan for the site is the adopted Medway Local Plan (2003). The council are additionally in the process of preparing a new Local Plan to replace this document and are currently undertaking a development options consultation. However due to the preliminary stage of this new plan it has not been considered as part of this application.
- 4.7 The adopted proposals map shows that the site lies within Chatham Town Centre and is part of the Core Retail Area. The site is not situated within a conservation area.

## I. Medway Local Plan

- 4.8 **Policy S1** 'Development Strategy' states that the development strategy for the area is to prioritise re-investment in the urban fabric and include the recycling of under-used land with a focus on Chatham among other areas.
- 4.9 **Policy S5** 'Medway's City Centre' refers to Chatham and states that the centre will be developed as the major city centre for Medway. Paragraph 2 of this policy states that:

**"A range of other uses appropriate to a town centre location will also be permitted, provided that they contribute to the centre's vitality and viability and are consistent with the requirements of the retail policies of this plan."**

- 4.10 **Policy BNE1** ‘General Principles for Built Development’ states that the design of development should be appropriate in relation to the character, appearance and functioning of the built environment.
- 4.11 **Policy BNE2** ‘Amenity Protection’ states that all development should secure the amenities of existing neighbouring properties and future occupants in regard to privacy, daylight / sunlight, noise, vibration, light, heat, smell, airborne emissions, activity levels and traffic generation.
- 4.12 **Policy R1** ‘Chatham – Convenience Retailing’ sets out that Chatham Town Centre is identified as a regional scale comparison goods centre.
- 4.13 **Policy R3** ‘Chatham – The Brook and High Street’ states that refurbishment or replacement of the former indoor market, existing superstore and associated multi-storey car park at The Brook/High Street, will be encouraged for retail and/or other uses appropriate to a town centre location subject to:
- (i) the development form and site layout being directly related to the core area to contribute to the vitality and viability of the centre as a whole; and
  - (ii) provision being made for access by pedestrians, cyclists and public transport users, and there being adequate car parking provision consistent with policies T13 and T15.
- 4.14 **Policy L2** ‘New Leisure Facilities’ states that:
- “Within or on the edge of town centres, leisure uses falling within use Classes D1 and D2 and other theatre, arts and cultural leisure uses will be permitted.”
- 4.15 The surrounding text to this policy also states that leisure facilities within town centres have an important role to play in enhancing the attraction of town centres.

## Section 5 Planning Assessment

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- 5.1 This application seeks consent for the change of use of part of the former Tesco Store at The Brook, Chatham from A1 Retail to Use Class D2 in order to facilitate use of the vacant unit as a gym. No physical works are proposed in association with the application.
- 5.2 This section of the existing retail unit has been vacant since former occupier Tesco closed their store in April 2015 and has attracted little interest by retail operators to date despite active marketing. This application proposal will, however, allow for the occupation of the unit by a gym operator and complementary town centre use, which will greatly enhance the vitality and viability of this part of Chatham town centre. This is in accordance with the council's longstanding objectives for Chatham in addition to the principles set out in the NPPF and local planning policy as set out below.
- 5.3 Having regard to the above, the key planning issues are considered to be:
- The principle of the proposed use; and
  - Impact upon neighbouring amenity.
- 5.4 These issues will be discussed respectively below:
- a) **Proposed Use**
- 5.5 The principle element of this application is to establish the use of the existing commercial (A1 retail) space within Class D2 use (assembly and leisure) for the purposes of occupation as a gym.
- 5.6 In general terms, the planning policy position for relating to the proposed change of use is set out within policies R3 and L2 of the Medway Local Plan (2003).
- 5.7 Policy R3 refers specifically to the application site and outlines how non retail commercial uses, such as the proposed gymnasium, will be encouraged to provide a good balance of retail and non-retail uses that support the vitality and viability of the centre. However, such uses are required to satisfy a number of criteria which are discussed in turn below:
- (i) the development form and site layout being directly related to the core area to contribute to the vitality and viability of the centre as a whole; and**

- 5.8 In this regard the application proposal seeks to provide a new gym and leisure use which is entirely appropriate for the location. The unit comprises the rear section of the former Tesco Store which due to Go Outdoors occupation of the front 'The Brook' facing section of the unit is somewhat separated from the main retail core area.
- 5.9 As such, this unit does not lend itself to a retail use which is evidenced by the lack of interest from potential retail operators to date. The proposed gym use, however, can operate effectively without a prominent street fronting elevation and still comprises an active use providing a direct service to the general public which will encourage people towards this location and the high street.
- 5.10 Indeed as demonstrated with in the planning history section, planning permission has been granted for loss of A1 retail uses within Chatham Centre and the Retail Core in favour of D2 use gym operators given their complementary function and contribution towards the viability and vitality of the town centre.
- (ii) provision being made for access by pedestrians, cyclists and public transport users, and there being adequate car parking provision consistent with policies T13 and T15.**
- 5.11 In regards to highways and access considerations, the application site is firstly located immediately adjacent to the large 'Market Hall' multi-storey car park run by Medway Council and accessed from Crown Road which comprises 220 spaces.
- 5.12 There are additionally several public transport options to visit the premises. This includes the nearby 'High Street Gala Bingo' bus stop which supports regular services to and from Chatham Train Station and Maidstone, Lordswood, Wigmore, Walderslade and Lower Gillingham in the surrounding area.
- 5.13 The site can also be reached within approximately 10 minutes on foot from Chatham Train Station or on one of the regular buses mentioned above.
- 5.14 The site is additionally very accessible from the local area on foot or by bike with good local highway infrastructure. Indeed The Brook running to the south of the site is specifically a sign-posted route for cyclists within Medway.
- 5.15 The proposed site is therefore very accessible by public transport and ample parking is available.
- 5.16 Policy L2 is also highly relevant referring directly to new leisure facilities such as the proposed. The policy is very clear and states that:

**“Within or on the edge of town centres, leisure uses falling within use Classes D1 and D2 and other theatre, arts and cultural leisure uses will be permitted.”**

- 5.17 In summary, the proposed scheme fully accords with the relevant land use policies R3 and L2 and the proposed change of use is considered acceptable in principle.

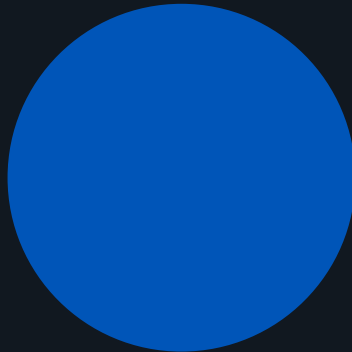
**c) Impact on Surrounding Amenity**

- 5.18 In terms of amenity the nature of the proposed use as a gym does inherently require the use of amplified music during classes. However, the use of music will be properly managed throughout the day to ensure it is compatible within the context of surrounding uses.
- 5.19 For which, the adjacent premises within the former Tesco Store solely comprises retailer Go Outdoors which is not sensitive to the proposals. Other surrounding uses within the immediate vicinity include the multi storey ‘Market Hall’ car park and a further retail warehouse occupied by HomePlus furniture. The site is otherwise bounded by Upbury Way.
- 5.20 The nearest residential properties and noise sensitive receptors are located on the opposite side of Upbury Way to the East. These properties are, however, situated approximately 20m from the site boundary and are not considered to adversely impacted upon by the proposals.
- 5.21 In any event it is proposed as part of this application to align suitable operating hours to the unit and gym operation. These are broadly in line with those currently permitted for similar uses elsewhere in Chatham and will ensure the gym will not adversely affect the amenity of the residential properties at Upbury Way. The proposed hours are 06.00am to 23.00pm Monday to Sunday.
- 5.22 As such, given the highly commercial setting within Chatham Town Centre, the predominant commercial nature of surrounding uses, the distance to the closest residential properties and with the operating hours being suitably restricted there is considered to be no detrimental impact on the amenity of the surrounding occupiers and the proposals comply with Policy BNE2.

## Section 6      Conclusions

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- 6.1      This statement has been prepared in support of a planning application for the change of use of part of the former Tesco Store at The Brook in Chatham (which continues to hold a A1 retail use associated with the former occupier) to a gym within Use Class D2.
- 6.2      The application site has laid vacant since Tesco closed in April 2015 and the proposals within this application will ensure that this unit is quickly brought into an active, viable employment-generating use that will contribute to the character, vitality, vibrancy and economy of the area, whilst ensuring that there is no detrimental impact on the amenity of the surrounding occupiers. Importantly, an increase in footfall to this area will support the town centre.
- 6.3      When assessing the proposals against the relevant national and local planning policy, it is evident that the proposed change of use is entirely appropriate for this location in terms of the operational requirements, opening hours and the minimal impact on neighbouring amenity.
- 6.4      The application proposal fully accord with all of the relevant adopted and saved planning policies at both national and local level, and is acceptable in all respects. We therefore respectfully request that planning permission is granted.



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# Document 1

On the Instructions of Go Outdoors

# 38,000 SQ FT RETAIL/LEISURE PREMISES TO LET CHATHAM, THE BROOK, ME4 4NZ



- PROMINENT LOCATION
- EDGE OF TOWN CENTRE CLOSE TO HIGH STREET AND PENTAGON SHOPPING CENTRE
- ADJACENT TO GO OUTDOORS
- TOTAL SPACE AVAILABLE 38,000 SQ FT (Inc. 10,000 sq ft mezzanine floor) Further Division may be considered
- OPEN A1 PLANNING CONSENT
- ADJACENT MULTI-STOREY CAR PARK

## ALL ENQUIRIES

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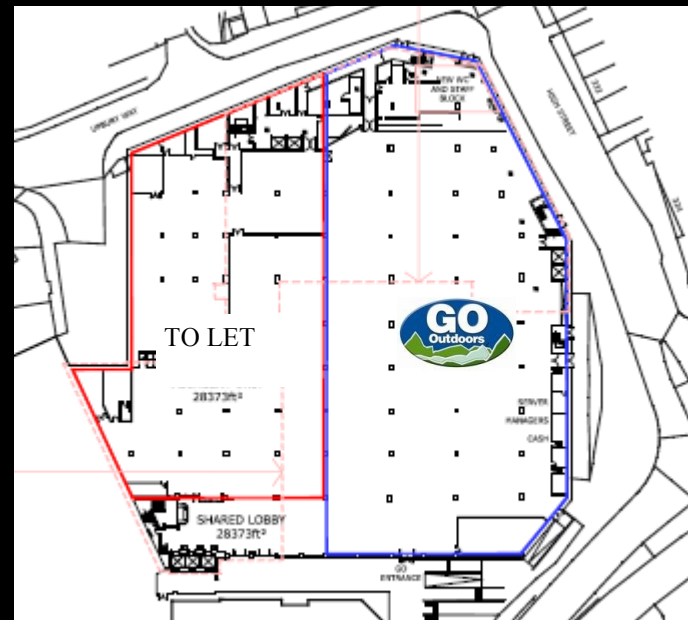
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# 38,000 SQ FT RETAIL/LEISURE PREMISES TO LET CHATHAM, THE BROOK, ME4 4NZ



EXISTING INTERIOR



LAYOUT PLAN